

Regulation 36-14-5009 Prohibited Activities - Gifts.

(a) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift of cash, forbearance or forgiveness of indebtedness from an interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

(b) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift(s) or other thing(s) having either a fair market value or actual cost greater than twenty-five dollars (\$ 25), but in no case having either an aggregate fair market value or aggregate actual cost greater than seventy-five dollars (\$ 75) in any calendar year including, but not limited to, gifts, loans, rewards, promises of future employment, favors or services, gratuities or special discounts, from a single interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

(1) For purposes of this regulation a "single interested person" shall include all employees or representatives of an individual, business, organization or entity.

(2) The prohibitions in this section do not apply if the gift or other thing of value is:

(a) a campaign contribution as defined by the laws of the state;

(b) services to assist an official or employee in the performance of official duties and responsibilities, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents; or,

(c) a plaque or other similar item given in recognition of individual or professional services in a field of specialty or to a charitable cause;

(c) "Interested person," for purposes of this section, means a person or a representative of a person or business that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties.

(d) The prohibitions in this section do not apply if the gift or thing of economic value is given:

(1) because of the recipient's membership in a group, a majority of whose members are not persons subject to the Code of Ethics, and an equivalent gift is given or offered to other members of the group; or,

(2) by an interested person who is a person within the family of the recipient, unless the gift is given on behalf of someone who is not a member of said family.

(e) For purposes of this regulation, a gift or other thing of value is considered received when it comes into the possession or control of the person subject to the Code of Ethics, or his or her spouse or dependent child, and is a gift or other thing of value subject to the requirements of this regulation unless it is immediately returned to the interested person or given to a bona fide charitable organization without benefit accruing to the person subject to the Code of Ethics.

(f) Gifts received from interested persons prior to the effective date of the amendment to this regulation in 2005 shall continue to be subject to the reporting requirements in effect on the date that the gift was received. Accordingly, for gifts received prior to the effective date of the 2005 amendments to this regulation, it is the obligation of any person subject to the Code of Ethics to keep and maintain a record of any gift or other thing of value, as defined herein, received from an interested person and if, during any calendar year, the aggregate amount of gifts received from interested persons is \$100 or greater, shall file with the Ethics Commission, on or before January 31 of the succeeding calendar year, a list of all gifts received from interested persons during the preceding calendar year, including:

- (1) the date the gift or other thing of value was received;
- (2) a description of the gift or other thing of value;
- (3) the fair market value of the gift or other thing of value;
- (4) the name, address and employer of the interested person who provided the gift or other thing of value; and,
- (5) the name of any organization represented by the interested person or on whose behalf the interested person was acting in providing the gift or other thing of value.

(g) The failure of any person subject to the Code of Ethics to file the disclosure required in section (e), above, shall constitute a violation of the Code of Ethics subject to penalty.